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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 SOPHIA & CHLOE, INC., a
12 California Corporation,
13 Plaintiff,
14 v.
15 BRIGHTON COLLECTIBLES, LLC,
a Delaware limited liability company
16 Defendant.
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Case No. 12cv2472 AJB (KSC)
ORDER:
(1) DENYING WITHOUT
PREJUDICE BRIGHTON'S
MOTION FOR SUMMARY
JUDGMENT, (Doc. No. 46); and
(2) AMENDING SCHEDULE.

19 On March 28, 2014, Defendant Brighton Collectibles, LLC ("Brighton") filed a
20 motion for summary judgment, or, in the alternative, summary adjudication. (Doc. No.
21 36.) This Court issued a briefing schedule on the pending motion and scheduled a
22 hearing for the matter on June 26, 2014. On May 28, 2014, Magistrate Judge Karen S.
23 Crawford issued an Order denying the Parties' February 14, 2014 joint motion for
24 discovery dispute and directing Brighton to conduct a search for three missing items.
25 (Doc. No. 62.) Upon completion of the search, Brighton is to provide Plaintiff, Sophia &
26 Chloe, Inc. ("Sophia") with a written Declaration detailing the efforts, to be filed no later
27 than June 30, 2014. Moreover, to the extent the items are located, they are to be
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1 produced on a rolling basis, with the supplemental production to be completed no later
2 than June 30, 2014.

3 In light of the Magistrate Judge's Order, this Court finds summary judgment to be
4 premature. Accordingly, Brighton's motion is DENIED without prejudice. The hearing
5 on the matter, currently scheduled for June 26, 2014, is hereby vacated. Brighton may
6 refile its motion upon the completion of this discovery.

7 The Court sets the following dates for all pretrial matters:

8 1. All pretrial motions, including those addressing *Daubert* issues, must be
9 filed on or before **August 1, 2014**. Counsel for the moving party must obtain a motion
10 hearing date from the law clerk of Judge Battaglia. Failure to make a timely request for a
11 motion date may result in the motion not being heard. Motions in Limine are to be filed
12 as directed in the Local Rules, or as otherwise set by Judge Battaglia.

13 2. Counsel shall comply with the pretrial disclosure requirements of Federal
14 Rules of Civil Procedure 26(a)(3) on or before **November 5, 2014**. Failure to comply
15 with these disclosure requirements could result in evidence preclusion or other sanctions
16 under Federal Rule of Civil Procedure 37.

17 3. This order replaces the requirements under Civ. L. R. 16.1.f.6.c. No
18 Memoranda of Law or Contentions of Fact are to be filed.

19 4. The parties shall meet and confer on or before **November 14, 2014** and
20 prepare a proposed pretrial order containing the following:

21 a. A statement to be read to the jury, not in excess of one page, of the
22 nature of the case and the claims and defenses.

23 b. A list of the causes of action to be tried, referenced to the Complaint
24 [and Counterclaim if applicable]. For each cause of action, the order shall succinctly list
25 the elements of the claim, damages and any defenses. A cause of action in the Complaint
26 [and/or Counterclaim] which is not listed shall be dismissed with prejudice.

1 c. A list, in alphabetical order, of each witness counsel actually expect
2 to call at trial with a brief statement, not exceeding four sentences, of the substance of
3 the witnesses' testimony.

4 d. A list, in alphabetical order, of each expert witness counsel actually
5 expect to call at trial with a brief statement, not exceeding four sentences, of the sub-
6 stance of the expert witnesses' testimony.

7 e. A list, in alphabetical order, of additional witnesses, including
8 experts, counsel do not expect to call at this time but reserve the right to call at trial
9 along with a brief statement, not exceeding four sentences, of the substance of the
10 witnesses' testimony.

11 f. A list of all exhibits that counsel actually expect to offer at trial with a
12 one-sentence description of the exhibit.

13 g. A list of all other exhibits that counsel do not expect to offer at this
14 time but reserve the right to offer if necessary at trial with a one-sentence description of
15 the exhibit.

16 h. A statement of all facts to which the parties stipulate. This statement
17 shall be on a separate page and will be read to and provided to the jury.

18 i. A list of all deposition transcripts by page and line, or videotape
19 depositions by section, that will be offered at trial in lieu of live testimony.

20 j. An estimate for the length of trial.

21 The Court encourages the parties to consult with the assigned magistrate judge to
22 work out any problems in preparation of the proposed pretrial order. The court will
23 entertain any questions concerning the conduct of the trial at the pretrial conference.

24 5. The Proposed Final Pretrial Conference Order, as described above, and
25 objections to any other parties' Federal Rule 26(a)(3) Pretrial Disclosures must be
26 prepared, served, and lodged on or before **November 28, 2014.**


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1 6. The final Pretrial Conference is scheduled on the calendar of *Judge*
2 *Battaglia* on December 5, 2014 at 1:30 PM.

3 IT IS SO ORDERED.

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5 DATED: June 2, 2014

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8 Hon. Anthony J. Battaglia
9 U.S. District Judge
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